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Family Opposes Motion to Dismiss Lawsuit Against DOD Over Death of 24-Year-Old From COVID-Vaccine-Related Myocarditis

The family of George Watts Jr., a 24-year-old who died of complications from COVID-19 vaccine-induced myocarditis, today contested a motion to dismiss its lawsuit against the U.S. Department of Defense. Children's Health Defense is funding the lawsuit on behalf of Watts' family.

By **Brenda Baletti, Ph.D.**

15

Pfizer
VACCINE
COVID-19
WILLFUL
MISCONDUCT

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The family of a 24-year-old man who died of complications from COVID-19 vaccine-induced myocarditis today contested a motion to dismiss its lawsuit against the U.S. Department of Defense (DOD), which oversaw the development and distribution of the vaccines under Operation Warp Speed.

Ray Flores, Children's Health Defense (CHD) outside counsel, is representing the estate of George Watts Jr.

Flores filed the memorandum in the U.S. District Court for the District of Columbia. CHD is funding the lawsuit filed on May 31.

The Watts family alleges Defense Secretary Lloyd Austin engaged in "willful misconduct" by exaggerating the safety of the Pfizer-BioNTech vaccine authorized for emergency use and then exclusively allowed distribution of the stockpiled version of the vaccine even after the U.S. Food and Drug Administration (FDA) granted full approval to a different vaccine, Comirnaty.

The DOD intentionally, without justification and with disregard for the difference between the experimental and licensed vaccines, misrepresented an experimental vaccine as "safe and effective" when it could not legally use that terminology for them, the lawsuit states.

As a result, according to the complaint, Watts was misled into taking the investigational vaccine and died as a result.

The DOD argued in its motion to dismiss that the department cannot be sued in this case because it has "sovereign immunity," which is a legal doctrine asserting the state cannot commit legal wrongdoing and therefore cannot be sued without its consent.

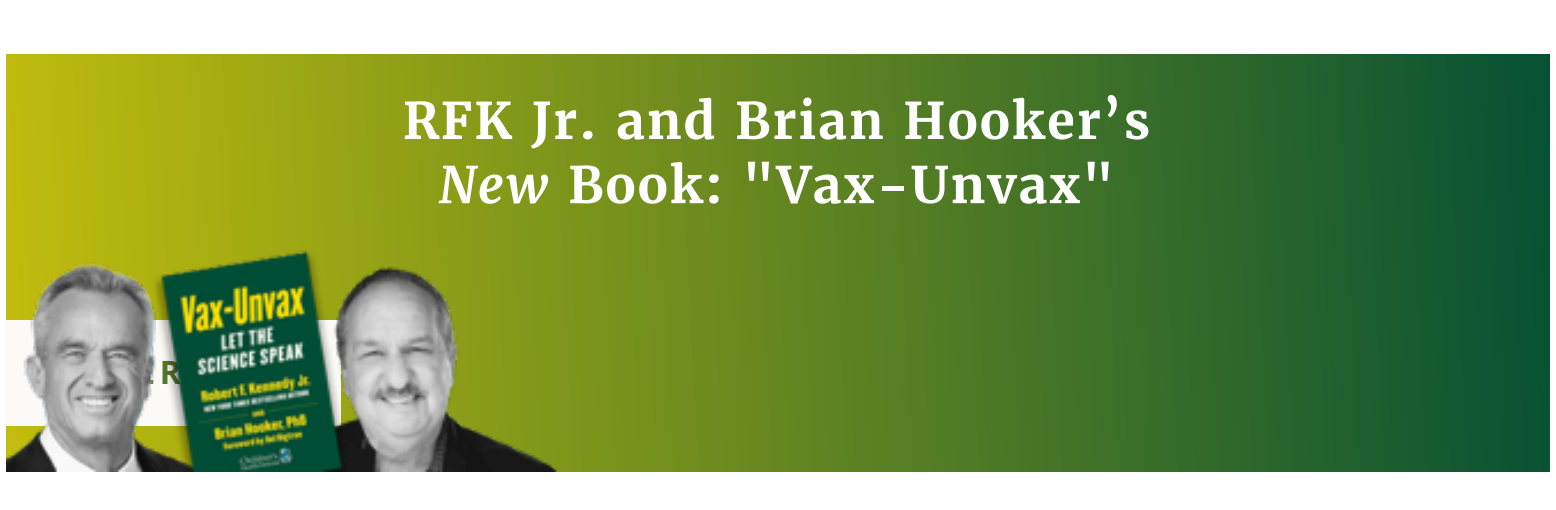
The DOD also argued that even if the state did not have sovereign immunity, the complaint's allegations were not sufficient to claim the DOD engaged in "willful misconduct" when it made public statements about the safety and efficacy of the COVID-19 vaccine.

The DOD claimed the licensed and experimental vaccines were interchangeable and any statements were consistent with evaluations and recommendations made by the FDA and the Centers for Disease Control and Prevention (CDC).

The plaintiff argued that "sovereign immunity" does not apply under the Public Readiness and Emergency Preparedness (PREP) Act in this case and that cutting off all redress, even in the case of DOD's "willful misconduct," is unconstitutional and therefore it would lose the immunity typically offered by the PREP Act.

Responding to DOD's assertion that it did not engage in "willful misconduct," the plaintiff wrote:

> "[The] Defendant's Motion improperly attempts to shift the focus away from DOD's indisputable liability for hornswoggling Americans into participating in its deadly mass human experiment — one that far surpassed the reach of the lethal medical experimentation that led to the U.S. Military Tribunals of Nazi doctors in Nuremberg some 75 years earlier.
>
> "DOD's experiment pushed several hundred million free vaccines on a trusting American public with an intentionally deceptive promise that the vaccines were safe and efficacious, while Operation Warp Speed ('OWS') kept detailed records and an ongoing tally of the severely injured and the dead."



'DOD rushed a mass medical experiment on the American population'

Watts was a student at Corning Community College in Corning, New York, in the summer of 2021, when the school mandated the COVID-19 vaccine for all students attending fall classes.

He waited to get vaccinated until the FDA "approved" the Pfizer Comirnaty vaccine and got his first dose at Guthrie Robert Packer Hospital in Pennsylvania on Aug. 27, 2021, and his second dose on Sept. 17, 2021.

He was administered the Emergency Use Authorization (EUA) Pfizer BioNTech COVID-19 vaccine, even though the FDA had approved the Pfizer Comirnaty vaccine on Aug. 23, 2021, because the DOD didn't make the approved vaccines available to the public.

According to the complaint, Watts suffered "medical symptoms" after his first dose and more serious neurological side effects, along with a sinus infection, after the second dose. He was treated with antibiotics, but his health continued to decline.

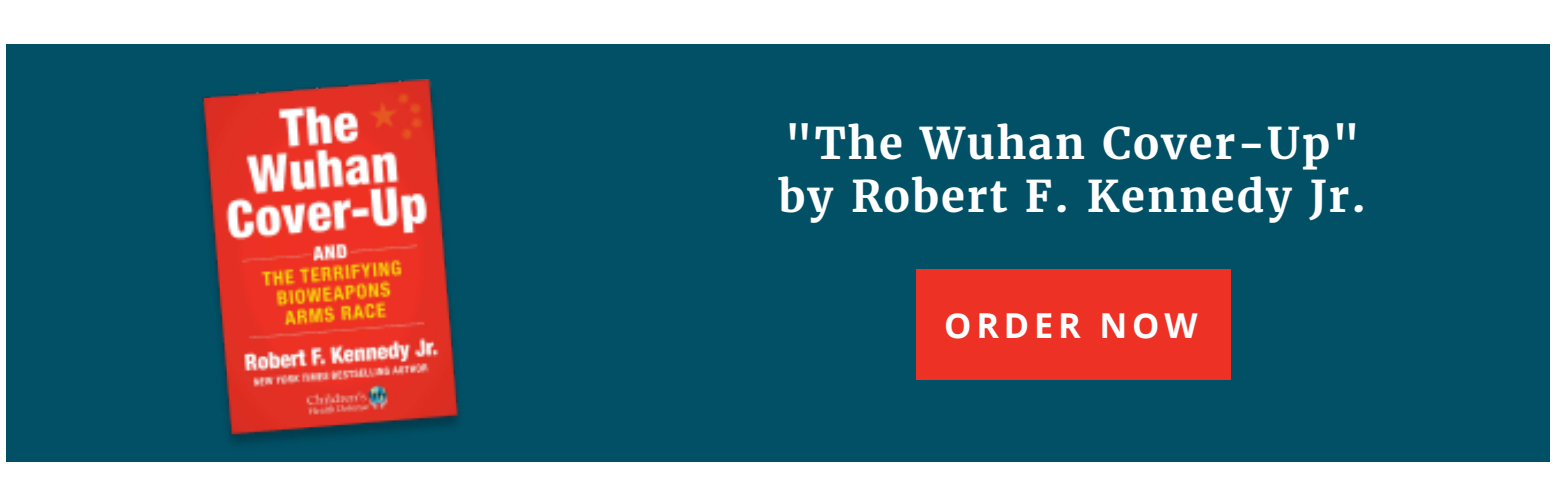
The 24-year-old had no previous medical history that would explain his death in the emergency room from cardiac arrest on Oct. 27, 2021. The medical examiner ruled the death was from "complications of COVID-19 vaccine-related myocarditis."

His death certificate also listed COVID-19 vaccine-related myocarditis as the sole immediate cause of death.

Watts' family first sought compensation for his death under the Health Resources & Services Administration's Countermeasures Injury Compensation Program (CICP).

The CICP was established under the PREP Act, which protects "covered persons" — such as pharmaceutical companies, or in this case, the DOD — from liability for injuries sustained from "countermeasures," such as vaccines and medications, administered during a public health emergency.

As of Aug. 1, only four CICP claims totaling $8,592.55 have been paid out for injuries related to COVID-19, which the memorandum filed today notes is not "adequate, prompt, timely, reasonable or equitable."



According to the memorandum:

> "Not only is the CICP insufficient to satisfy due process, but here due process is further offended when a Plaintiff, upon exiting the CICP program, has absolutely no remedy against willful misconduct —– the only possible claim — against federal agencies and actors hiding behind the shield of sovereign immunity."

The only exception to PREP Act immunity is if a countermeasure-related injury is caused by "willful misconduct" by a covered person or entity.

The complaint alleges the DOD engaged in willful misconduct when it propagated the idea that the experimental versions of the COVID-19 vaccine were "safe and effective," while fully aware that the FDA's EUA does not meet that standard.

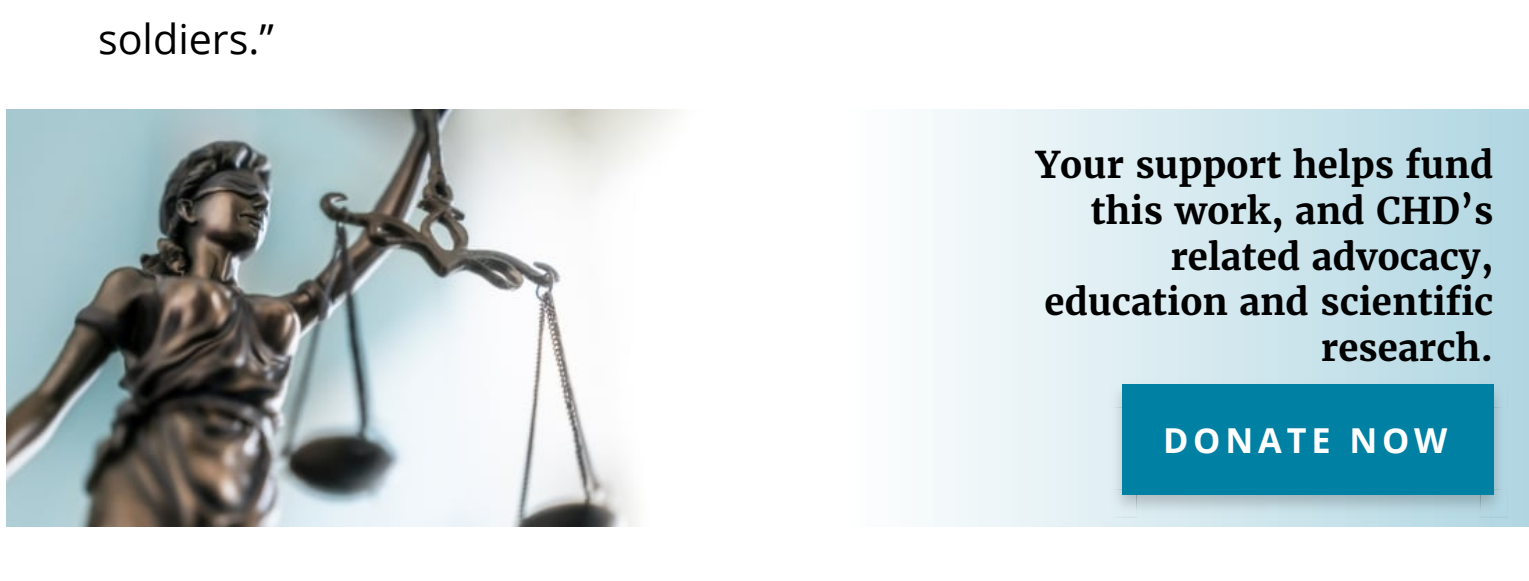
"Countermeasures" such as treatments and vaccines produced under EUA only have to meet a standard of "may be effective."

According to the complaint, the DOD "capitalized on a quintessential 'bait and switch' fraud," using the fact that Comirnaty was FDA-approved to bolster its claims that the vaccine authorized for emergency use was "safe and effective," in a move that intentionally misled millions of Americans.

That means the DOD intentionally, without justification and with disregard for the risks, misrepresented an experimental vaccine as "safe and effective" when it could not legally use that terminology, the original lawsuit states.

This was the equivalent of deploying weapons on the American people, Flores told The Defender:

> "Biologics are not ordnances. The deployment of weaponry is poles apart from logistics for medicines. But once given the opportunity to lead Operation Warp Speed, DOD ignored the different parameters.
>
> "With unprecedented power over the civilian population in hand, and emboldened by the PREP Act, DOD rushed a mass medical experiment on the American population consistent with the way it experiments on soldiers."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'The crown could not be sued without consent'

The DOD said the court has no jurisdiction over the Watts case because sovereign immunity protects the DOD from being sued and the PREP Act does not provide an exception waiving that immunity.

According to the DOD, sovereign immunity is constitutional and the constitutional framers did not intend to upset the royal tradition.

"When the Constitution was ratified, it was well established in English law that the Crown could not be sued without consent in its own courts," the DOD claimed, citing Alden v. Maine.

But according to the plaintiff, sovereign immunity in this case is unconstitutional and therefore "severable," meaning it could be cut out of the PREP Act while still leaving the law intact as an operable statute.

"The PREP Act requires DOD to defend itself in court," the plaintiff said. Granting sovereign immunity, in this case, would violate the family's Fifth Amendment right to just compensation.

"A statute that creates a claim and then does not allow anyone to prosecute such a claim is unconscionable as well as unconstitutional," according to the memorandum.

Further, the motion to dismiss dismisses all of the allegations in the complaint, which legally the court must accept as true. In doing so, the DOD asserts there is no material difference between the experimental and licensed COVID-19 vaccines and that it never misled the American public as to the safety and efficacy of those vaccines.

The DOD also ignores its own history of human experimentation with anthrax vaccine mandates for the military that were previously found to be illegal, the memo states.

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Brenda Baletti, Ph.D.

Brenda Baletti Ph.D. is a reporter for The Defender. She wrote and taught about capitalism and politics for 10 years in the writing program at Duke University. She holds a Ph.D. in human geography from the University of North Carolina at Chapel Hill and a master's from the University of Texas at Austin.

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kris
2 days ago

Legally these are said to be unavoidably unsafe... but marketing wise they are said to be safe and effective -- the government shouldn't be allowed to market these products to us with lies that blatantly contradict the reasons the 1986 act was passed.. Wyeth stating that they need to have liability removed because the shots are unavoidably unsafe and they would go bankrupt from being liable for all the injuries.

How is the govt. Advertising to us in this way and yet legally behaving in the exact opposite way? How is the government colluding with vaccine makers to abuse their freedom of speech and lie to us? The government can't collude with the technology companies to censor us why can they collude with the pharmaceutical companies to lie to us and force these products on us?

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> **GarySummers** ↱ kris
> 2 days ago edited
>
> "92% of Covid Deaths in 2022 Were Triple+ Vaxxed..."
> https://slaynews.com/news/9...
>
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kris
2 days ago

Not to mention if 'Sovereign immunity' were really a catch all.. we wouldn't even have separation of powers or 3 branches of govt. We wouldn't even have a bill of rights or a representative govt. If the king could do no wrong the king wouldn't have to answer to the voters. That is obnoxious to interpret Sovereign immunity as some catch all that somehow simultaneously overrides the entire design of the United States government...

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> **GarySummers** ↱ kris
> 2 days ago
>
> So they planned 9-11 and the Patriot Act and the endless "wars" on fake terror and the Ukraine usurping and SARS and MERS and Covid and they stole the election from Trump. And still the sheeple give them the benefit of the doubt and allow them to step on their necks every day more and more. You got to admit that they have been far smarter than their prey and now they can do as they please because its far too late for such a miserably disorganized and corrupted array of soft bellied opponents. And that goes for the entire western flops, especially the EU contrivance.
>
> So take a sip of Covid truth..
> https://expose-news.com/202...
>
> https://el834862649.wordpre...
>
> 1 0 Reply • Share ›

kris
2 days ago

If they want to classify all of our health crises as under the jurisdiction of the DOD (which seems insane to me to begin with) wouldn't the DOD still have to comply with the Geneva convention?? That means they have to stop replaying the horrors of ww2 such as forced medical experimentation and attacks on the civilian population... the harm outweighs the benefit if these don't have to be proven effective.. yet they can be proven to be harmful. That is an attack on the civilian population by the DOD ... That can't even legally be defined as a medical procedure medicine would need to have proven health benefits that outweigh the risks.

There just seem to be some massive overreaches with Sovereign immunity... we wouldn't even have had the Boston tea party or the declaration of independence or the constitution at all if the 'King could do no wrong' lol ... there are obviously limits to sovereign immunity or America would have never been created lol

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> **GarySummers** ↱ kris
> a day ago
>
> *"Red China, Fauci, Collins, Gates, Rockefellers, Big Pharma, Vaccine Cabal, NIH, CDC, DOD, CIA, Bioweapon, and Genocide Covid Weapon, Jabs, working as Planned?"* 'They OWE us Trillions! $$$.
>
> *"US Military Confirms 'Myocarditis Spike' After COVID Vaccine Introduction"*
>
> A top Pentagon official has confirmed that cases of myocarditis soared among U.S. service members in 2021 after the COVID-19 vaccines were rolled out.
> https://www.theepochtimes.c...
>
> 1 0 Reply • Share ›

kibitzer3
2 days ago

Another factor that should be considered is that pharma products released under EUA are only supposed to be such products for conditions for which there are no other treatments available. In the case of the covid-19 'thing' (read: bioweapon), there were and are a number of (excellent) treatments available . Among them: the HCQ and IVM cocktails; plus the immune system-enhancing likes of vitamins D3 and C, zinc, quercetin, etc. etc. etc. Plus, the U.S. is a signatory to the Nuremberg Code, which prohibits experimental medical treatment without informed consent. The Public was never given proper 'informed consent' regarding the studies for the EUA-released injections - OR told that they were not real vaccines in the first place, but rather an experimental medical product (as are the other mRNA injections). All in all, a terrible chapter in the life of this nation. It needs to be brought to a halt. Now.

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> **GarySummers** ↱ kibitzer3
> a day ago
>
> "BREAKING"
> "The FDA in it's Present Form can never be Trusted Again"!
>
> "Fifth Circuit Rebukes FDA for Banning Ivermectin for Covid-19"!
> The U.S. Court of Appeals for the Fifth Circuit issued a unanimous three-judge decision on September 1, 2023, holding that the Federal Drug Administration (FDA) overstepped its statutory authority by attempting to ban using ivermectin to treat COVID-19. In Apter v. Department of Health and Human Services, court concluded, "FDA is not a physician. It has authority to inform, announce, and apprise—but not to endorse, denounce, or advise."
> https://www.americanthinker...
>
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GarySummers
2 days ago

BREAKING
Fauci Admits Covid "Vaccines" 'Cause Myocarditis', Claims It's Better Than Getting Covid
https://rumble.com/v3h6bwa-...

"OBSTRUCTION OF JUSTICE: 'FDA refusing to provide COVID "vaccine" safety data to Congress' as requested"
https://www.naturalnews.com...

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Wayne Rohde
2 days ago

You update the report a bit regarding the number of paid petitions in the CICP. The # stays the same, the Sept report was dropped at 3:30pm est today. No more comp cases, just another month of ignoring the injured.

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Shaklaka
2 days ago

"sovereign immunity," which is a legal doctrine telling you to go f%€k yourself, asserting the state cannot commit legal wrongdoing and therefore cannot be sued without its consent.

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> **GarySummers** ↱ Shaklaka
> a day ago edited
>
> "Go After The People, And Seek Punitive Damages"?
>
> May get interesting the FDA suppressed Ivermectin, 5th Circuit, Individuals at the FDA who made that decision held accountable? How many lives could have been saved?
> https://www.americanthinker...
>
> 1 0 Reply • Share ›

Facing_It_Together
18 hours ago

Claim "sovereign immunity" and watch how fast you are laughed out of court.

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Leslie Taylor
a day ago edited

Dr. Peter McCullough testified at the European Parliament on September 14, 2023. [link below]
In summary, but do watch the video in particular for his biological explanation as to why the vaccines and boosters need to be completely removed from the market.

Dr. McCullough states that the first wave of injuries from Covid infection largely preyed upon the frail and the elderly. The second wave, and far worse, of injuries are from the vaccines. He cites all the various organizations that are in collusion with one another pushing and mandating the harmful covid vaccinations and boosters.He goes on to explain that the toxic spike production produced in the body as a result of the genetic modifying, synthetic (doesn't break down in the body) mRNA vaccines and describes the 4 types of adverse effects varying in degrees of harm and affecting all age groups that have been subjected to these injections. He provides statistics and it seems clear that the vaccine lots vary in toxicity, thus harm inflicted.
He names the syndicate behind the infections and the injections: the WHO, the Gates Foundation, Rockefeller Foundation, the World Economic Forum, and more and including government institutions such as the FDA, the CDC and the National Institutes of Health, etc. He also names individuals: Anthony Fauci, Francis Collins, Jeremy Farar who was at the

see more

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> **CastleConnell** ↱ Leslie Taylor
> 2 hours ago
>
> Thanks for posting this Dr. Peter McCullough presentation and his appeal to reason. He mentioned the third lie that adverse effects are labeled long covid. I was on a plane last week and the man next to me told me his wife was suffering from Long Covid from her second booster. Sadly, he was speaking from ignorance, either his own or fed to him by doctors (I don't believe they are ignorant on this). If there is such a thing as long covid it would be symptoms due to the infection itself. Symptoms after the shot, are adverse effects from a lipid nano particle and synthetic spike protein. The label long covid is used to keep pushing people for the shot that actually is harming them. What a disgrace that doctors knowingly blame the infection for the harms of the shot.
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